

DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRBa2107/P1dn
ARG:wlj:rs

March 13, 2014

ATTN: Elisabeth Portz

Please review the attached draft carefully to ensure that it is consistent with your intent. In some instances, the draft may not precisely match the instructions but I have tried to prepare the draft in a way that reconciles the instructions with the unmodified text and structure of Engrossed SB-509.

In SB-509, the “opt out” provision is a no-fee permit. It allows an operator to exceed statutory weight limits because the operator is considered to hold a permit. (The ordinance is the permit.)

The “opt in” provision in this draft is conceptually different. There is no permit. The “opt in” provision involves a statutory increase to the weight limits that can be overridden by ordinance by local governments. I believe it is necessary to draft the “opt in” provision in the manner appearing in this draft.

As discussed by email, SB-509 does not allow a maintaining authority to issue a permit authorizing operation on highways that are not under its jurisdiction. I have tried to accomplish the intent of your instructions without creating language that is self-contradictory.

Please let me know if you would like any changes made to the attached draft or if you have any questions. If the attached draft meets with your approval, let me know and I will convert it to an introducible “/1” draft.

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